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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. *2012-25*

13 **IMELDA ARANDIA TABIOS**  
7112 Woodman Avenue, #205  
14 Van Nuys, CA 91405

**STATEMENT OF ISSUES**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
20 Department of Consumer Affairs.

21 2. On or about November 3, 2010, the Board of Registered Nursing (Board) received an  
22 application for a Request for Reapply/Repeat Examination (Application) from Imelda Arandia  
23 Tabios (Respondent). On or about October 29, 2010, Respondent certified under penalty of  
24 perjury as to the truthfulness of all statements, answers, and representations in the application.  
25 The Board denied the application on November 15, 2010.

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5. Section 480 states, in pertinent part:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

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(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.”

6. Section 496 states:

“A board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to the subversion of licensing examinations.”

**NCSBN/NCLEX**

7. The National Council of State Boards of Nursing (NCSBN) develops and administers the NCLEX-RN examinations on behalf of the nursing boards in the 50 states, the District of Columbia, and four U.S. territories. Every registered nurse must pass the NCLEX-RN examination before s/he can be licensed to practice.

8. The NCLEX-RN Candidate Bulletin lists as grounds for dismissal or cancellation of results the following:

“Bringing any NCLEX-RN examination study materials (textbooks, notebooks, classroom notes, etc.) to the testing center or accessing or attempting to access such study materials at any time after the start of the examination, including but not limited to, break times.”

9. The NCLEX-RN Examination Candidate Rules Checklist states the following:

“You may not access any study materials or ask for help from any other party in answering items (in person, by phone or by e-mail) during your examination (including breaks).”

10. Before the commencement of an NCLEX-RN examination, each candidate must review the above rules and affix his/her digital signature.

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**JUNE 22, 2010 NCLEX-RN EXAMINATION**

11. Prior to June 22, 2010, Respondent took and did not pass the NCLEX-RN examinations for the following dates: September 7, 2006, September 15, 2008, and October 3, 2008.

12. On or about June 22, 2010, Respondent applied and took the NCLEX-RN examination at the Pearson Professional Center in Pasadena, California. While the examination had already commenced and was in progress, Respondent was observed reading notes in the ladies' restroom during a scheduled break.

13. On or about June 25, 2010, NCSBN sent a letter to Respondent advising her that she had violated the examination rules, and that her examination results would be cancelled unless she appealed.

14. On or about July 23, 2010, Respondent appealed the decision to NCSBN's Chief Operating Officer (COO). The COO denied Respondent's appeal on or about August 3, 2010.

15. On or about August 18, 2010, NCSBN sent a letter to Respondent advising her of the decision, and that her examination results would be cancelled unless she appealed.

16. On or about October 5, 2010, Respondent informed NCSBN of her election not to appeal the final decision to cancel her examination results.

**FIRST CAUSE FOR DENIAL OF APPLICATION**

***(Acts of Dishonesty, Fraud or Deceit)***

17. Respondent's application is subject to denial under section 480, subdivision (a)(2), in that, on or about June 22, 2010, Respondent committed an act of dishonesty, fraud or deceit with the intent to substantially benefit herself, when she accessed and/or possessed study materials in the ladies' room after the NCLEX-RN examination had commenced. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 7 through 16, inclusive, as though set forth fully.

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